

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

DEFENDANTS' MOTION TO DENY CLASS CERTIFICATION

Come now defendants, Madison County, Mississippi, and its duly elected Sheriff, Randall C. Tucker, and respectfully move this Court, pursuant to Fed. R. Civ. P. 23(c)(1)(A), to deny the request for class certification asserted by Latoya Brown and the other nine named plaintiffs in their complaint [Dkt. #1], and would show unto the Court in support thereof the following:

1. Alleging “a **coordinated top-down program** of methodically targeting Black individuals for suspicionless searches and seizures” [Dkt. #1, ¶ 1 (boldface in original)], plaintiffs seek exclusively declaratory and injunctive relief on behalf of a class purportedly consisting of “[p]eople who (1) are, or who appear to be, Black and those in their company, and (2) were, are, or will be in Madison County, and (3) were, are, or will be subject to the MCSD’s policy, custom, and/or practice of systematically executing unreasonable searches and seizures of persons, homes, cars, and property on the basis of race.” [Dkt. #1, ¶ 300].

2. Three causes of action are asserted on behalf of the purported class. The first asserts purported claims of violations of the Fourth Amendment under 42 U.S.C. § 1983; the second asserts purported claims of violations of the Equal Protection Clause of the Fourteenth Amendment under 42 U.S.C. § 1983; the third asserts purported claims of intentional racial discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.* The fourth, fifth and sixth causes of action are claims for damages asserted solely by and on behalf of Khadafy Manning and Quinnetta Manning.

3. The declaratory and injunctive relief sought on behalf of the purported class is found at pages 82-85 of the complaint's prayer for relief. Nothing in the requested declaratory and injunctive relief is peculiar to the individual plaintiffs or to the members of the purported class they seek to represent. To the contrary, all of the requested declaratory and injunctive relief affects equally all members of the general public.

4. For that reason, should this Court grant any of the declaratory or injunctive relief requested by plaintiffs, that relief will have the same effect upon defendants, the purported class, and the general public whether or not the class is certified. For that reason, class certification is not necessary and is therefore not appropriate within the meaning of Fed. R. Civ. P. 23(b)(2).

WHEREFORE, PREMISES CONSIDERED, this Court should deny the request to certify a class contained in plaintiffs' complaint.

Respectfully submitted this 14th day of March, 2018.

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

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CERTIFICATE OF SERVICE

I, Michael B. Wallace, hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following:

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So, certified this the 14th day of March, 2018.

s/ Michael B. Wallace
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